

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

KEVIN DAVIE,

,

DEBTOR.

CHAPTER 13

CASE NO. 09-77336-MBM

JUDGE MARCI B. MCIVOR

ORDER DISMISSING CHAPTER 13 CASE

This matter having come on for hearing before the Court with due notice having been provided, the Court finds it appropriate to enter this Order based upon one of the following paragraphs so indicated:

- ☐ A motion to dismiss case brought by the Chapter 13 Trustee, pursuant to 11 U.S.C. 1307(c).
- ☐ A request for the voluntary dismissal of the case, made by debtor on the record or by written request filed with the Court.
- ☒ An oral motion to dismiss by the Chapter 13 Trustee and not opposed by the debtors who were present by counsel.
- ☐ Upon the denial of confirmation of the debtor's Chapter 13 Plan by the Court and denial of further time by the Court to propose another Plan, the reasons having been stated on the record.
- ☐ For failure to _____ pursuant to a Hearing on the Court's Order to Show Cause regarding same.
- ☐ For failure to comply with the terms and conditions set forth in the Order Adjourning Hearing entered on or about _____.

IT IS HEREBY ORDERED that the within case is dismissed and the automatic stays issued pursuant to 11 U.S.C. Sections 362 and 1301 are hereby terminated;

IT IS FURTHER ORDERED that the Clerk's Office shall immediately provide notice of the entry of this Order to all interested parties and the debtor's attorney, if any;

IT IS FURTHER ORDERED that David Wm. Ruskin is discharged as Trustee and the Trustee and his surety are released from any and all liability on account of the within proceedings;

IT IS FURTHER ORDERED that in the event that the Chapter 13 Plan has not been confirmed, the Trustee shall be allowed an administrative expense in the amount of \$100.00 to be paid after payment of fees to the Clerk of the Court to defray the Trustee's costs and expenses of administering the case to date.

IT IS FURTHER ORDERED that the debtor's attorney shall be awarded fees by application as compensation. The Trustee shall pay this sum, less any amount paid previously, after payment of the Clerk's and Trustee's fees, to the extent funds are available.

/s/ David Wm. Ruskin
DAVID WM. RUSKIN (P26803)
Chapter 13 Standing Trustee

/s/ Brent M. Lamkin P57072
JOSEPH L GRIMA & ASSOCIATES PC
Attorney for Debtor

Signed on April 14, 2010

 /s/ Marci B. McIvor
Marci B. McIvor
United States Bankruptcy Judge